

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 4:17-CR-131-1

SCOTT E. NELSON

ORDER

On November 3, 2017, Scott E. Nelson and three other individuals were named in a thirteen-count indictment charging various crimes related to an alleged healthcare conspiracy.¹ Doc. #1. On August 20, 2019, Nelson, pursuant to a proposed plea agreement with the government, waived indictment and pled guilty to a one-count information charging misprison of a felony.² Docs. #148, #149, #150. The proposed plea agreement provided, among other things, that the government would dismiss all other charges against Nelson upon the conclusion of his sentencing on the information. Doc. #150 at 1. This Court deferred a decision on the proposed plea agreement pending review of the presentence investigation report. Doc. #152.

At Nelson's sentencing hearing on December 11, 2019, this Court rejected the proposed plea agreement and gave Nelson the opportunity to withdraw his guilty plea to the information. At Nelson's request, the Court continued the sentencing hearing to allow Nelson to discuss the matter with his attorney.

During the resumption of the sentencing hearing on February 13, 2020, Nelson withdrew

¹ Nelson is named in all thirteen counts. Count One charges him with "Healthcare Fraud Conspiracy" based on allegations that he falsely certified patients as terminally ill and qualified for hospice services, and referred patients to various hospice providers, which allowed the providers to bill and receive payments from Medicare and Medicaid. Doc. #1 at 4. Counts Two through Thirteen each charge him with aiding and abetting healthcare fraud under 18 U.S.C. § 1347 based on his alleged false certifications and his codefendants' filing false claims. *Id.* at 10–12.

² The information states that Nelson, "having knowledge of the commission of a felony ... did conceal the same and did not as soon as possible make known the same ... in violation of Title 18, United States Code, Section 4." Doc. #149.

his guilty plea. Trial on the thirteen-count indictment, therefore, must promptly commence to comply with the Speedy Trial Act. However, complying with the Speedy Trial Act would leave the parties and their counsel with an unreasonable and inadequate period of time for effective and necessary trial preparations, given that the parties anticipate the length of trial to be between three to five weeks, the witnesses to be called at trial to exceed thirty in number, and the number of trial exhibits to be approximately 75–100. Accordingly, the Court finds that the ends of justice will be served by setting trial for a date which will sufficiently allow for necessary trial preparations, and that such interest outweighs the best interest of the public and Nelson in a speedy trial.

Trial is reset for **Monday, August 24, 2020**.³ Any motions in limine must be filed no later than June 29, 2020. Any objections to anticipated exhibits and witnesses must be filed no later than July 27, 2020. A pretrial conference will be set for August 4, 2020. The period of delay from this date until the commencement of trial shall be excluded from all computations relative to the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED, this 13th day of February, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

³ The parties are to advise the Court no later than 5:00 p.m. on February 14, 2020, of any conflicts their witnesses have with this trial date.